

MARK KLEIMAN (S.B.N. 115919)  
KLEIMAN / RAJARAM  
12121 WILSHIRE BOULEVARD, # 810  
LOS ANGELES, CA 90025  
TELEPHONE: (310) 392-5455  
FACSIMILE: (310) 306-8491  
EMAIL: mark@krlaw.us

Attorneys for Defendant  
NATIONAL STUDENTS FOR  
JUSTICE IN PALESTINE

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MATTHEW WEINBERG, RABBI  
DOVID GUREVICH, NIR HOFTMAN,  
ELI TSIVES,

Plaintiffs,

vs.

NATIONAL STUDENTS FOR  
JUSTICE IN PALESTINE, JOHN DOE  
#1, PRESIDENT OF THE UCLA  
CHAPTER OF SJP, AJP  
EDUCATIONAL FOUNDATION, INC.,  
D/B/A AMERICAN MUSLIMS FOR  
PALESTINE, OSAMA ABURSHAID,  
HATEM AL-BAZIAN, FACULTY FOR  
JUSTICE IN PALESTINE NETWORK,  
UC DIVEST COALITION, WESPAC  
FOUNDATION, PEOPLE'S CITY  
COUNCIL,

Defendants.

Case No. 2:25-cv-03714 MCS (JCx)

**DEFENDANT NATIONAL  
STUDENTS FOR JUSTICE IN  
PALESTINE'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS FIRST AMENDED  
COMPLAINT**

Date: December 8, 2025

Time: 9:00 a.m.

Courtroom: 7C

Complaint Filed: April 25, 2025

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:


2 PLEASE TAKE NOTICE THAT on Monday, December 8, 2025, at 9:00  
3 a.m. or as soon thereafter as this matter may be heard in Courtroom 7C of the  
4 above-entitled Court located at First Street Courthouse, 350 W. 1st Street,  
5 Courtroom 7C, Los Angeles, CA 90012, Defendant NATIONAL STUDENTS  
6 FOR JUSTICE IN PALESTINE, will and hereby does move the Court to dismiss  
7 Plaintiffs' First Amended Complaint pursuant to Federal Rules of Civil Procedure  
8 12(b)(2) and 12(b)(6).

9 This Motion is made following an earlier meet and confer regarding the  
10 substance of the Motion between Defendant's counsel and Plaintiffs' counsel on  
11 October 27, 2025, in accordance with Local Rule 7-3.

12 This motion is based upon this Notice of Motion and Motion to Dismiss  
13 Plaintiffs' First Amended Complaint, the attached Memorandum of Points and  
14 Authorities filed herewith, the pleadings, papers, files and records in the case, and  
15 any evidence or argument that may be presented at a hearing on this matter.

16  
17 Dated: October 29, 2025

KLEIMAN RAJARAM

18  
19 By:   
20 Mark Klemian

21 Attorneys for Defendant  
22 National Students for Justice in Palestine  
23  
24  
25  
26  
27  
28

## TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES .....	5
MEMORANDUM OF POINTS AND AUTHORITIES.....	8
1. Introduction and Summary of Argument.....	8
2. Plaintiffs’ Allegations .....	8
a. Plaintiffs’ Confused (and Confusing) Pleadings Make Summarization Difficult .....	8
b. Summary of the Allegations .....	9
3. Legal Standards.....	10
a. Subject Matter Jurisdiction .....	10
b. Failure to State Facts Justifying Relief.....	11
4. Weinberg Did Not Suffer a Concrete, Particularized Injury and Should be Dismissed .....	11
5. Plaintiffs Have Not Made Out A Case Against NSJP .....	12
a. The Failure to Allege That NSJP Caused Anything Plaintiffs Are Complaining About.....	12
6. Plaintiffs Fail to Allege Facts Plausibly Tying NSJP to a Civil Rights Conspiracy .....	14
a. Plaintiffs’ Allegations Against NSJP Do Not Plausibly Show a Violation of the Deprivation Clause of 42 U.S.C. § 1985(3) .....	14
i) Plaintiffs Fail to Plausibly Allege that NSJP Entered Into a Conspiracy.....	15

1		
2	ii) Plaintiffs Fail to Plausibly Allege Intent to Infringe an	
3	Actionable Federal or Constitutional Right.....	17
4	iii) Plaintiffs Fail to Plausibly Allege an Invidiously	
5	Discriminatory Animus Motivated NSJPs	
6	Alleged Conduct .....	18
7	b. The Allegations Against NSJP Do Not Plausibly Show a	
8	Violation of the Hindrance Clause of 42 U.S.C. § 1985(3).....	19
9	7. Conclusion .....	20
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

**TABLE OF AUTHORITIES**

**Page**

<u>Alaska Right to Life Political Action Comm. v. Feldman,</u> 504 F.3d 840, 848 (9th Cir. 2007) .....	10
<u>Appling v. City of L.A.,</u> 701 F. App'x 622, 626 (9th Cir. 2017).....	18
<u>Ashcroft v. Iqbal,</u> 556 U.S. 662, 678 (2009).....	11
<u>Augustine v. U.S.,</u> 704 F.2d 1074, 1077 (9th Cir. 1983) .....	11
<u>Bell Atl. Corp. v. Twombly,</u> 550 U.S. 544, 548 (2009).....	11,15
<u>Black Lives Matter D.C. v. Trump,</u> 544 F. Supp. 3d 15 (D.D.C. 2021).....	16
<u>Bray v. Alexandria Women's Health Clinic,</u> 506 U.S. 263 (1993).....	17
<u>Burns v. County of King,</u> 883 F.2d 819 (9 <sup>th</sup> Cir. 1989).....	15
<u>Caldeira v. Cnty. of Kauai,</u> 866 F.2d 1182 (9th Cir. 1989) .....	17
<u>Caldwell v. Caldwell,</u> 545 F.3d 1126, 1133 (9th Cir. 2008) .....	12
<u>Dahlia v. Rodriguez,</u> 735 F.3d 1060, 1076 (9th Cir. 2013) .....	11
<u>Frazier v. Int'l Longshoremen's Union Local #10,</u> 116 F. 3d 1485 (9th Cir. 1997) .....	16

1	<u>Gaetz v. City of Riverside,</u>	
2	722 F. Supp. 3d 1054 (C.D. Cal. 2024) .....	15
3	<u>Gharibian ex rel. United States v. Valley Campus Pharmacy, Inc.,</u>	
4	No.21-56253, 2023 WL 195514 ( 9th Cir. Jan. 17, 2023).....	11
5	<u>Griffin v. Breckenridge,</u>	
6	403 U.S. 88 (1971).....	15
7	<u>Jones v. Cnty. of San Bernardino,</u>	
8	No. EDCV 21-695 JGB (SPx), 2021 U.S. Dist LEXIS 214904,	
9	at *13 (C.D. Cal. Oct. 15, 2021) .....	17
10	<u>Lockary v. Kayfetz,</u>	
11	587 F.Supp. 631 (N.D. Cal. 1984) .....	15
12	<u>Lujan v. Defenders of Wildlife,</u>	
13	504 U.S. 555, 560-561 (1992) .....	10,12
14	<u>Molina v. Diaz,</u>	
15	No. EDCV 20-00518-SVW (AS), 2021 U.S. Dist. LEXIS	
16	246829, at *18-19 (C.D. Cal. Dec. 28, 2021) .....	18
17	<u>Mosher v. Saalfeld,</u>	
18	589 F.2d 438 (9th Cir. 1978) .....	16
19	<u>Nat’l Abortion Fed’n v. Operation Rescue,</u>	
20	8 F.3d 680 (9th Cir. 1993) .....	17
21	<u>Safe Air for Everyone v. Meyer,</u>	
22	373 F.3d 1035, 1039 (9th Cir. 2004) .....	10
23	<u>Sever v. Alaska Pulp Corp.,</u>	
24	978 F.2d 1529 (9th Cir. 1992) .....	14,15
25	<u>Sines v. Kessler,</u>	
26	324 F. Supp. 3d 765 (W.D. Va. 2018) .....	16
27		
28		

1	<u>Sprewell v. Golden State Warriors,</u>	
2	266 F.3d 979, 988 (9th Cir. 2001) .....	11
3	<u>StandWithUs Ctr. For Legal Just. et. al. v. Mass. Inst. of Tech.,</u>	
4	No. 24-1800, 2025 U.S. App. LEXIS 27390	
5	(1st Cir. Oct. 21, 2025) .....	17
6	<u>Sures v. Kupsh,</u>	
7	Los Angeles Superior Court Case No. 25STRO01776,	
8	Aug. 14, 2025) .....	13
9	<u>United Bhd. of Carpenters &amp; Joiners, Local 610 v. Scott,</u>	
10	463 U.S. 825 (1983) .....	15,19
11	<u>United States v. Valley Campus Pharmacy, Inc.,</u>	
12	No. 2:16-cv-04777-MCS-PLA, 2021 U.S. Dist. LEXIS 196459,	
13	at *3 (C.D. Cal. Oct. 12, 2021) .....	11
14	<u>Waln v. Dysart Sch. Dist.,</u>	
15	54 F.4th 1152, 1161 (9th Cir. 2022) .....	9

## **STATUTES**

18	42 U.S.C. § 1985(3) .....	<i>passim</i>
----	---------------------------	---------------

## **RULES**

21	Fed.R.Civ.P. 12(b)(1).....	10
22		
23	Fed.R.Civ.P. 12(b)(6).....	11

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **1. Introduction and Summary of Argument**

Plaintiffs have sued a national student group in a complaint with thirty-two separate allegations being made on “information and belief”. The complaint pays far more attention to what others say about NSJP and very little about what NSJP actually says. NSJP is not antisemitic and says nothing antisemitic. There are no allegations that it ever said or did anything that caused the harms Plaintiffs allege. The entire claim against them hangs by the slender thread of one steering committee member (who himself did nothing objectionable), but who is now being blamed for everything, real or imagined. Although Plaintiffs admit this one organizer was deeply involved with four different organizations, they have selected NSJP as their imagined culprit.

The claim against NSJP is unfounded in fact and untethered to the law of civil rights conspiracies. It should be dismissed.<sup>1</sup>

### **2. Plaintiffs’ Allegations**

Before we can even summarize the allegations as to National Students for Justice in Palestine (NSJP) we must describe two of Plaintiffs’ repeated errors which make even accurate summarization difficult.

#### **a. Plaintiffs’ Confused (and Confusing) Pleadings Make Summarization Difficult**

The FAC’s conflates and confounds National Students for Justice in Palestine with a campus chapter at UCLA. Plaintiffs bewilderingly insist on using “NSJP” and “SJP” interchangeably to mean National Students for Justice in Palestine. (FAC ¶2).<sup>2</sup> Yet the FAC refers SJP in entirely local contexts, “Under

---

<sup>1</sup> NSJP adopts and incorporates by reference the arguments advanced by its co-defendants to the extent that they are not already covered in this brief.

<sup>2</sup> All references to paragraphs shall refer to the First Amended Complaint unless otherwise specified.



1 the banner of SJP” (§11); “SJP is aware of Does identity [referring to the campus  
2 chapter] (§37); “SJP (along with Doe) and UC Divest” (§108); “FJP also met with  
3 SJP and provided several ‘faculty advisors’” (§110); “SJP, FJP, Doe, UC Divest  
4 and People’s City Council engaged in a massive recruitment effort to grow the  
5 encampment” (§115); “SJP, Doe, UC Divest, People’s City Council, and FJP . . .”  
6 (§123). NSJP proceeds on the assumption that none of these six paragraphs have  
7 anything to do with NSJP, and asks the Court to be vigilant for similar  
8 conflations.<sup>3</sup>

9 Equally confounding is the Plaintiffs’ promiscuous use of “on information  
10 and belief”, which is invoked thirty-two times in the FAC, many times appearing  
11 to describe purported NSJP activities. (§§ 34, 37, 67, 74, 75, 92, and 108.) These  
12 allegations must still be “based on factual information sufficient to make the  
13 inference of culpability plausible”. Waln v. Dysart Sch. Dist., 54 F.4th 1152, 1161  
14 (9th Cir. 2022). Our summary of Plaintiffs’ allegations addresses factual  
15 allegations and eschews poorly supported guesses.

16 **b. Summary of the Allegations**

17 Plaintiffs generally allege that NSJP is a “national membership  
18 organization” that fostered a nationwide campaign of college encampments  
19 branded as the “Popular University for Gaza” and that in particular the UCLA  
20 encampment was “associated with” NSJP (§4). The encampments were to occupy  
21 physical space, exclude Jewish students, to build fortified positions, and to  
22 militantly confront the police. To this end NSJP allegedly collaborated with other  
23 groups of young people, community organizations and funding sources. NSJP  
24 promoted the encampments through a national social media campaign and  
25 encouraged people to spread the word via Instagram posts.

---

26  
27  
28 <sup>3</sup> The absence of any facts supporting the FAC’s sweeping conclusion that the UCLA chapter  
was NSJP’s “agent” will be addressed in §4, *infra*.

1 Plaintiffs allege “on information and belief” that Dylan Kupsh, a graduate  
2 student played a central role (although an unspecified and undescribed one) as a  
3 member of NSJP’s Steering Committee, and (again) “on information and belief  
4 played a significant coordinating and mediating role between the various groups”,  
5 including NSJP and the UC Divest Coalition.

6 Plaintiffs appear to claim that NSJP is somehow vicariously liable for their  
7 injuries. Matthew Weinberg alleges that he avoided the encampment out of fear  
8 and had to alter his routes to classes and study areas, and that he was “shocked and  
9 frustrated”. Eli Tsives was also “shocked and frustrated” when he had to take  
10 slower, alternate routes, as he was physically blocked or surrounded when  
11 attempting to walk into or through the encampment. Nir Hoftman alleges that he  
12 was “tackled” while trying to cross through the encampment and that one of his  
13 earbuds, which fell out of his ear at that time, was stolen by someone. Plaintiff  
14 Dovid Gurevich, a Rabbi, alleges that eight days after the encampment ended, his  
15 phone was knocked from his hand and that he was threatened with violence.

### 16 **3. Legal Standards**

#### 17 **a. Subject Matter Jurisdiction**

18 A complaint must be dismissed if the Court lacks subject matter  
19 jurisdiction. Fed.R.Civ.P. 12(b)(1). Plaintiffs must establish Article III jurisdiction  
20 which requires that they demonstrate they (1) “suffered an injury in fact that is  
21 ‘concrete and particularized’ and ‘actual or imminent, not conjectural or  
22 hypothetical;’ (2) a causal connection between that injury and the complained-of  
23 conduct; and (3) that a favorable decision will likely redress the alleged injury.”  
24 Alaska Right to Life Political Action Comm. v. Feldman, 504 F.3d 840, 848 (9th  
25 Cir. 2007) (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-561 (1992)).

26 On a Rule 12(b)(1) motion to dismiss, the Court may consider evidence  
27 beyond the complaint and “need not presume the truthfulness of the plaintiff’s  
28 allegations” concerning jurisdiction. Safe Air for Everyone v. Meyer, 373 F.3d

1 1035, 1039 (9th Cir. 2004). The moving party should prevail “if the material  
2 jurisdictional facts are not in dispute and the moving party is entitled to prevail as a  
3 matter of law.” Augustine v. U.S., 704 F.2d 1074, 1077 (9th Cir. 1983).

4 **b. Failure to State Facts Justifying Relief**

5 A Rule 12(b)(6) motion should be granted if the complaint does not  
6 “contain sufficient factual matter, accepted as true, to state a claim to relief that is  
7 plausible on its face.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A claim is  
8 plausible only when “plaintiff pleads factual content that allows the court to draw  
9 the reasonable inference that the defendant is liable for the misconduct alleged.”  
10 *Id.* A court should disregard conclusory factual allegations, and “draw on its  
11 judicial experience and common sense” to determine whether a claim is plausible.  
12 *Id.* at 678-79. ). A court may reject as implausible allegations that are too  
13 speculative to warrant further factual development. Dahlia v. Rodriguez, 735 F.3d  
14 1060, 1076 (9th Cir. 2013). The allegations must be enough to raise a right to relief  
15 above the speculative level. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 548 (2009).  
16 Allegations that are merely conclusory, are unwarranted deductions, or  
17 unreasonable inferences need not be accepted. Spewell v. Golden State Warriors,  
18 266 F.3d 979, 988 (9th Cir. 2001).

19 Thus, a court is not bound to accept as true a legal conclusion couched as a  
20 factual allegation. United States v. Valley Campus Pharmacy, Inc., No. 2:16-cv-  
21 04777-MCS-PLA, 2021 U.S. Dist. LEXIS 196459, at \*3 (C.D. Cal. Oct. 12, 2021),  
22 *aff’d sub nom.* Gharibian ex rel. United States v. Valley Campus Pharmacy, Inc., N  
23 o.21-56253, 2023 WL 195514 ( 9th Cir. Jan. 17, 2023).

24 **4. Weinberg Did Not Suffer a Concrete, Particularized Injury and Should**  
25 **be Dismissed.**

26 Weinberg never encountered the encampment and his knowledge was  
27 limited to what friends told him and what he saw from whatever media he  
28 consumed. (¶¶ 137-139.) The encampment was at its largest, 180’ wide, which is

1 the space between Royce Hall and Powell Library. (§96). It did not disrupt his  
2 classes, which were in the law school, over 300 yards from the Eastern edge of the  
3 encampment. It upset him, and it forced him to take a different route to “other parts  
4 of the campus.” (§140). Tellingly, although he describes Powell Library as a  
5 location “which students often use to study” there is no allegation that he studied  
6 there, rather than use the five-story, 130,000 square foot library at the Law  
7 School.<sup>4</sup>

8 Weinberg cannot meet the *Lujan* requirements. First, his allegations do not  
9 articulate a concrete and particularized injury from learning of the encampment.  
10 That a plaintiff is offended by particular conduct or speech does not qualify.  
11 Encountering slogans he dislikes is not sufficient for standing, even in cases  
12 alleging religious discrimination.

13 “[T]he psychological consequence presumably produced by  
14 observation of conduct with which one disagrees. . . . is not an injury  
15 sufficient to confer standing under Art. III, even though the  
16 disagreement is phrased in constitutional terms.”).

17 Caldwell v. Caldwell, 545 F.3d 1126, 1133 (9th Cir. 2008).

18 **5. Plaintiffs Have Not Made Out A Case Against NSJP.**

19 **a. The Failure to Allege That NSJP Caused**  
20 **Anything Plaintiffs Are Complaining About**

21 18,000 words. Sixty-six pages. 174 paragraphs. Yet none of this links  
22 NSJP to any of Plaintiffs’ alleged injuries. Although great attention is paid to  
23 Dylan Kupsh, Plaintiffs never describe anything he did that is related to what  
24 happened to them. Kupsh is alleged, on information and belief, to have served on  
25 NSJP’s Steering Committee. Kupsh attended the encampment and “on

26 \_\_\_\_\_  
27 <sup>4</sup> <https://www.moorerubleyudell.com/project/hugh-hazel-darling-law-library/>, last  
28 visited Oct. 29, 2025.

1 **information and belief** helped organize it”. (§67). He may have voted on whether  
2 SJP should issue a statement launching the “Popular University for Gaza”,  
3 although Plaintiffs fail to allege whether he voted for it or against it. (*Id.*) He had  
4 an utterly unspecified but nonetheless “substantial role” in the decision to launch  
5 the initiative. (§92). Kupsh is also alleged to be a “leading member” of UC Divest,  
6 one of “a host of other similar organizations supporting the encampment. (§93). He  
7 played, **on information and belief** a significant coordinating and mediating role  
8 between the various groups.” (§108).

9 Plaintiffs are complaining that a member of NSJP’s steering committee  
10 voted about something, that he was an active member of another organization at  
11 the same time, and that he coordinated and mediated ... *something*, but we are  
12 never told what. Plaintiffs fail to allege, nor can they, without risking Rule 11  
13 problems, that Kupsh had anything to do with checkpoints to keep people out of  
14 the encampment. They fail to allege that Kupsh attacked Hoftman or blocked  
15 Tsives, or had anything to do with the people who supposedly did, and they fail to  
16 allege that he was even present on June 10 or had any role in the demonstration at  
17 which Rabbi Gurevitch was shouted at and had the phone slapped out of his hand.

18 Plaintiffs sued nine defendants – but Kupsh is not among them despite his  
19 allegedly pivotal role. The simplest explanation is also the truest –Plaintiffs know  
20 that Kupsh did nothing wrong and recognize the malicious prosecution / abuse of  
21 process suit that would immediately follow his exoneration.<sup>5</sup>

22 To overcome this fatal weakness, Plaintiffs have turned to fiction writing  
23 and have created an entirely fictitious character, “John Doe #1”. They claim to  
24 know everything about him – except his name. They know he equipped and trained  
25 “‘human phalanxes and ‘organized self-defense teams’”.to threaten counter-

---

26  
27 <sup>5</sup> This is far from idle speculation. UC Regents vice-Chair Jay Sures sued Kupsh on equally  
28 questionable grounds and has been ordered to pay \$150,624 in anti-SLAPP fees. (Sures v.  
Kupsh, Los Angeles Superior Court Case No. 25STRO01776, Aug. 14, 2025).

1 protesters and deny access to Jewish students, faculty, and staff. (§115), They  
2 know he engaged in a violent clash with law enforcement and fought to “expand  
3 and maintain “control over nearby buildings”. *Id.* Plaintiffs know that even after  
4 the encampment was broken up, Doe, undaunted, “attempted to establish new  
5 encampments” target buildings, and block access to graduate school facilities.”  
6 (§123). They also know that Doe engaged in a “long-running antisemitic  
7 conspiracy”. (§130).

8 That so very much can be known about a person who cannot be named, and  
9 cannot even be described, beggars belief. With some 200 people arrested at the  
10 encampment, with the publication of arrestees’ names, with doxxing, perp  
11 walks, and all manner of publicity, it is challenging to accept that Plaintiffs know so  
12 many details of Doe’s actions, yet nothing about the actual person. Plaintiffs, of  
13 course, fail to explain how so much knowledge cohabits with so much ignorance.

14 And it is here that Plaintiffs’ conflation of NSJP with the local UCLA  
15 chapter does its best work. Doe is repeatedly alleged to have done all of this in  
16 conjunction with “SJP”. But the context of each paragraph screams out that it is  
17 the local chapter, not the national organization, being (mis)described.

18 **6. Plaintiffs Fail to Allege Facts Plausibly Tying NSJP to a Civil Rights**  
19 **Conspiracy.**

20 **a. Plaintiffs’ Allegations Against NSJP Do Not Plausibly Show a**  
21 **Violation of the Deprivation Clause of 42 U.S.C. § 1985(3)**

22 To plead a violation of the Deprivation Clause of 42 U.S.C. § 1985(3),  
23 Plaintiffs must plausibly allege four elements: (1) a conspiracy; (2) to deprive a  
24 person or class of equal protection of the laws or equal privileges and immunities;  
25 (3) an act in furtherance of the conspiracy; and (4) resultant injury. *Sever v. Alaska*  
26 *Pulp Corp.*, 978 F.2d 1529,1536 (9th Cir. 1992); 42 U.S.C. § 1985(3).

27 Section 1985(3) itself provides no substantive rights, so plaintiffs must  
28 identify an underlying constitutional or federal statutory right that has been



1 violated. United Bhd. of Carpenters & Joiners, Local 610 v. Scott, 463 U.S. 825,  
2 833-34 (1983). Furthermore, when the underlying right is only protected against  
3 infringement by government actors, such as freedom of speech, Plaintiffs must  
4 show that the conspiracy included government actors or was aimed at influencing  
5 state action. Id. at 830.

6 Finally, Plaintiffs must plausibly allege a racial or otherwise class-based,  
7 invidiously discriminatory animus motivating Defendants' actions. Sever, 978 F.2d  
8 at 1536 (citing Griffin v. Breckenridge, 403 U.S. 88, 102 (1971)). Not all classes  
9 are protected under § 1985(3), and the statute only applies "when the class in  
10 question can show that there has been a governmental determination that its  
11 members require and warrant special federal assistance in protecting their rights."  
12 Id. (internal citations and quotations omitted).

13 i. **Plaintiffs Fail to Plausibly Allege that NSJP Entered Into a**  
14 **Conspiracy**

15 To plead a conspiracy under § 1985(3), Plaintiffs must "state specific facts  
16 to support the existence of the claimed conspiracy." Burns v. County of King, 883  
17 F.2d 819, 821 (9<sup>th</sup> Cir. 1989). Especially where First Amendment rights are  
18 involved, broad allegations of conspiracies must be supported by material facts, not  
19 conclusory statements. Lockary v. Kayfetz, 587 F.Supp. 631, 639 (N.D. Cal.  
20 1984). Plaintiffs must plausibly allege a "'meeting of the minds' or an 'agreement'  
21 between" the conspirators. Gaetz v. City of Riverside, 722 F. Supp. 3d 1054, 1069  
22 (C.D. Cal. 2024). Merely alleging "independent parallel behavior" is not enough.  
23 Id. at 1061 (quotation and citation omitted).

24 Plaintiffs fail to plausibly allege NSJP engaged in a conspiracy, and instead  
25 rely entirely on generalized and conclusory statements to that effect. (FAC ¶¶ 130,  
26 138, 141, 156). Plaintiffs allege no conversation, specific agreement, or "meeting  
27 of the minds" between NSJP and any other Defendant or party. At best, Defendants  
28 allege that the NSJP was a "collaborator" on some social media posts that offered

1 broad, generalized encouragement to students to “stand alongside” encampment  
2 demonstrations, to “show up”, and to “[f]ind an encampment, protest, walkout, or  
3 other mobilization happening near you”. (FAC ¶¶ 14, 61, 64-66 fn. 4). A mere  
4 handful of co-signed, generalized social media posts encouraging expressive  
5 activity and protest do not plausibly show a meeting of the minds between  
6 Defendants with a specific agreed upon goal, and agreed content of the conspiracy.  
7 *See Twombly*, 550 U.S. at 556-57 (“conclusory allegation of agreement at some  
8 unidentified point does not supply facts adequate to show” an unlawful  
9 conspiracy); *see also Sines v. Kessler*, 324 F. Supp. 3d 765, 794 (W.D. Va. 2018)  
10 (allegations that the defendants “all agreed and coordinated with and among each  
11 other to plan, organize, promote, and commit the unlawful acts that injured  
12 Plaintiffs and countless others” were conclusory and “do not plausibly allege that  
13 [a defendant] joined the alleged conspiracy”); *Black Lives Matter D.C. v. Trump*,  
14 544 F. Supp. 3d 15, 39 (D.D.C. 2021)(finding plaintiffs’ “allegations, taken as true,  
15 do not show sufficient events, conversations, or documents indicating an  
16 agreement or meeting of the minds amongst the defendants to violate plaintiffs’  
17 rights based on their membership in a protected class”)(internal quotations and  
18 citations omitted).

19 Even if Plaintiffs could plausibly allege direct communication between  
20 NSJP and the alleged co-conspirators, which they have not, that would still be  
21 insufficient to plausibly allege an actionable conspiracy. *See Mosher v. Saalfeld*,  
22 589 F.2d 438, 441 (9th Cir. 1978)(merely alluding to conversations in which  
23 agreements were made without setting forth the substance of those conversations is  
24 insufficient to show a conspiracy); *Frazier v. Int’l Longshoremen’s Union Local*  
25 *#10*, 116 F. 3d 1485 [published in full-text format at 1997 U.S. App. LEXIS  
26 15469, at \*11-12] (9th Cir. 1997) (where evidence “shows no more than that some  
27 of the various defendants occasionally met with each other and may have discussed  
28



[plaintiff's] grievances... [it] is not sufficient to support an inference [] of... a 'meeting of the minds'').

ii. **Plaintiffs Fail to Plausibly Allege Intent to Infringe an Actionable Federal or Constitutional Right**

Plaintiffs fail to identify a deprivation of a constitutional or federal statutory right cognizable under 42 U.S.C. § 1983. This failure is fatal to their claim. *See Jones v. Cnty. of San Bernardino*, No. EDCV 21-695 JGB (SPx), 2021 U.S. Dist. LEXIS 214904, at \*13 (C.D. Cal. Oct. 15, 2021) ("A plaintiff cannot state a conspiracy claim under section 1985 in the absence of a claim for deprivation of rights under 42 U.S.C. § 1983.") (citing *Caldeira v. Cnty. of Kauai*, 866 F.2d 1175, 1182 (9th Cir. 1989)).

The "'intent to deprive of a right' requirement demands that the defendant do more than merely be aware of a deprivation of right that he causes, and more than merely accept it; he must act at least in part for the very purpose of producing it." *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 276 (1993) (emphasis added). "A conspiracy is not 'for the purpose' of denying equal protection simply because it has an effect upon a protected right. The right must be 'aimed at' [and] its impairment must be a conscious objective of the enterprise." *Id.* at 275 (citation omitted). "[W]here the effect of a demonstration, a parade, or picketing interferes with someone's rights, this would not be actionable unless that was the purpose of the conspiracy." *Nat'l Abortion Fed'n v. Operation Rescue*, 8 F.3d 680, 685 (9th Cir. 1993).

In this regard, NSJP respectfully joins codefendant People's City Council's argument that the recent decision in the strikingly similar case *StandWithUs Ctr. For Legal Just. et. al. v. Mass. Inst. of Tech.* is instructive here and compels dismissal. No. 24-1800, 2025 U.S. App. LEXIS 27390 (1st Cir. Oct. 21, 2025); *see* Doc. 69, pp. 13-14 (explaining that a conclusory assertion of intent, coupled with statements of the rights deprivations suffered by Plaintiffs, is inadequate to satisfy

§ 1985(3)’s requirement that the conspiracy have the *purpose* of inflicting those deprivations).

In this case, Plaintiffs identify two substantive rights underlying their claim: “the right to be free from racial violence” and “the right to be free from racially motivated deprivation of the use of public amenities.” (FAC ¶ 153). To sufficiently plead their cause of action, therefore, Plaintiffs must plausibly allege that NSJP acted with the intent to depriving them of those rights—both of which are predicated on the existence of racial animus as a motivating factor.

In this case, Plaintiffs fail to plausibly allege any particular intent by NSJP other than the general goal of ‘pressuring’ universities (Plaintiffs do not specify *what* the Universities are even being pressured to do) and supporting ‘autonomous zones’. (FAC ¶ 60). Plaintiffs cite no mention by NSJP of Judaism, Jews, Jewish students, race, or even preventing anyone from accessing a public amenity. Plaintiffs’ bare allegations are utterly inadequate to plausibly show a specific intent to infringe on Plaintiffs’ constitutional or federal rights.

iii. **Plaintiffs Fail to Plausibly Allege an Invidiously Discriminatory Animus Motivated NSJP’s Alleged Conduct**

Plaintiffs’ failure to allege *any* motive on the part of NSJP is dispositive here, and demands dismissal of their claim. The closest Plaintiffs come to alleging a motive by NSJP is the allegation that the organization used its social media to “launc[h] a nationwide ‘Popular University for Gaza’ initiative... a ‘coordinated pressure campaign against university administrations and trustees’ linked to a nationwide effort to ‘establis[h] autonomous zones on several university campuses.’” (FAC ¶ 60). That allegation, even if true, comes nowhere near plausibly showing invidiously discriminatory animus against a racial or otherwise protected class. See Appling v. City of L.A., 701 F. App’x 622, 626 (9th Cir. 2017)(affirming dismissal of a 1985(3) claim where the plaintiff only asserted conclusory statements of bias); see also Molina v. Diaz, No. EDCV 20-00518-

SVW (AS), 2021 U.S. Dist. LEXIS 246829, at \*18-19 (C.D. Cal. Dec. 28, 2021) (“The absence of an invidiously discriminatory animus on the part of Defendants is fatal to Plaintiff’s § 1985 claim”). Plaintiffs’ bald statements that Defendants were “driven by racial and ethnic animus against Jews” and “antisemitic animus” are plainly conclusory and offer no support for the plausibility of their claims. (FAC ¶¶ 156, 105). Plaintiffs do not even allege that NSJP had called for, directed, or ratified any remarks or graffiti and fail to explain why, with a group large enough to occupy a significant space on the campus, (¶96) and with “a host” of organizations (¶ 93) NSJP’s acts bear any legally causal relationship to the Plaintiffs’ complaints.

**b. The Allegations Against NSJP Do Not Plausibly Show a Violation of the Hindrance Clause of 42 U.S.C. § 1985(3)**

To plead a claim under the Hindrance Clause of § 1985(3), Plaintiffs must plausibly allege (1) a conspiracy, (2) with the *goal* of interfering with state law enforcement, (3) “directed at a protected class exercising a constitutional right”, and (4) resulting in injury to Plaintiffs. United Bhd. of Carpenters & Joiners, Local 610 v. Scott, 463 U.S. 825, 828-829 (1983). Plaintiffs must also show the same invidiously discriminatory animus required for a deprivation clause claim. Id. at 687 (Trott, J., concurring and dissenting)(explaining that both clauses require a showing of invidiously discriminatory animus, but disagreeing with the majority’s application).

Plaintiffs’ claim under the Hindrance Clause fails for the same reasons as their claim under the Deprivation clause: they have failed to allege NSJP entered into a conspiracy, that NSJP’s alleged conduct was directed at a protected class, that NSJP was motivated by racial or invidiously discriminatory animus, nor that their constitutional rights have been infringed.

Plaintiffs’ Hindrance Clause claims additionally fail because they have not and cannot plausibly allege that NSJP acted with the intent to interfere with state

1 law enforcement, nor an injury resulting from such interference. Plaintiffs allege  
2 NSJP used social media posts to promote a “coordinated pressure campaign against  
3 university administrations and trustees”, and “encouraged” people to attend the  
4 encampment and defend it against harassment and attacks. (FAC ¶¶ 60, 103-4).  
5 Nowhere do Plaintiffs allege any intent by NSJP to interfere with law enforcement  
6 efforts direct at securing their constitutional rights. The only such law enforcement  
7 effort identified in the FAC is the sweep of the encampment between May 1 and  
8 May 2, and Plaintiffs allege no relevant conduct by NSJP directed at law  
9 enforcement, whether during that time or any other. Id.


10 Plaintiffs additionally fail to allege an injury resulting from any interference  
11 with law enforcement efforts. (FAC ¶¶ 131-147). Plaintiffs in fact plead that law  
12 enforcement only “issued an unlawful assembly order on May 1 and eventually  
13 cleared the encampment during the early hours of May 2,” mere hours later. (FAC  
14 ¶160). Plaintiffs’ failure to plead any injury as a result of Defendants’ conduct  
15 during law enforcement’s response to the encampment is fatal to their claim under  
16 the Hindrance clause.

## 17 **7. Conclusion**

18 Plaintiffs’ second attempt at pleading is rich in conclusions but poor in  
19 facts. This is unlikely to improve since the Plaintiffs’ have had over a year to mine  
20 every sensationalist account and every government report – and have turned up  
21 exactly nothing. Nothing will make NSJP responsible for Plaintiffs’ alleged  
22 injuries because nothing NSJP did caused them. Plaintiffs’ dislike for NSJP’s  
23 political positions does not entitle them to endless litigation based on that dislike.  
24 That Plaintiffs wisely jettisoned the state law theories that would have subjected  
25 them to anti-SLAPP liability speaks volumes about their actual assessment of this  
26 case. It is lawfare, and we respectfully submit that this Court ought not condone it.  
27 We urge dismissal.

Dated: October 29, 2025

Respectfully submitted,  
KLEIMAN RAJARAM

By:   
Mark Klemian


Attorneys for Defendant  
National Students for Justice in Palestine

**CERTIFICATE OF COMPLIANCE**

The undersigned counsel of record for Defendant National Students for Justice in Palestine certifies that this brief contains 3,945 words, which complies with the word limited of L.R. 11-6-1.

Dated: October 29, 2025

KLEIMAN RAJARAM

By:   
Mark Klemian

Attorneys for Defendant  
National Students for Justice in Palestine